

### REMARKS

Claims 27-75, all the claims pending in the application, stand rejected. Claims 27, 34, 41, 48, 55, 62 and 69, all the pending independent claims, have been amended to add the phrase "the optical glass does not comprise PbO". Support for this limitation is found in paragraph [0028] of the specification. The optical glass taught by the cited prior art contains PbO. Finally, claims 28, 29, 41 and 48 have been amended to remove identified ambiguities.

### *Claim Objections*

Claims 28 and 29 are objected to because line 1 of claims 28 and 29 refers to "claim 1," which had been cancelled. The Examiner correctly states that these claims should read "The process of claim 27," since claim 27 is the independent claim. Appropriate correction has been made.

### *Claim Rejections - 35 USC § 112*

**Claims 41 and 48 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.** This rejection is traversed for at least the following reasons.

The Examiner asserts that claim 41 is rendered indefinite by the phrase "not less than 0 percent". The Examiner's rationale is that one cannot have a negative quantity of  $\text{TiO}_2$ . For the purposes of examination the lower limit for  $\text{TiO}_2$  is assumed to be zero.

Similarly, claim 48 is considered indefinite because it uses the phrase "not less than 0 percent". The Examiner has assumed that, for the purposes of examination, the lower limit for  $\text{TiO}_2$  and  $\text{Sb}_2\text{O}_3$  is zero.

Applicant has amended the claims to state the amounts as "0 percent or greater," consistent with the data in Tables 1, 3 and 4. Applicant believes that the rejection is now overcome.

*Claim Rejections 35 USC 103*

**Claims 27-33 and 62-68 are rejected by the Examiner under 35 USC 103(a) as being unpatentable over Zou et al. (U.S. Patent 6,995,101).** This rejection is traversed for at least the following reasons.

Zou et al has an effective filing date of June 29, 2000 and is owned by the same assignee as the present application. The present application claims domestic priority from USSN 10/057,953, filed on January 29, 2002 and issued as USP 6,743,743, which itself claims priority from Japanese Application No. 2001-019854 filed on January 29, 2001.

First, Applicants certify, as is clear from the face of the Zou et al patent and the recorded assignment in the present application and its parent, that Zou et al is owned by the same assignee as the present application and its domestic parent, Hoya Corporation. Thus, Applicants assert their rights established under Section 103(c). Applicants submit that the Zou et al reference is not prior art to the present application and that the rejection over Zou et al should be withdrawn.

Second, on the basis of the Applicants' claim to priority and the submitted certified copy of the priority document in the parent application, the Zou et al reference would be overcome.

**Claims 27-75 are rejected by the Examiner under 35 USC 103(a) as being unpatentable over Sato, Japanese Patent (publication) 07-247,136 in view of Zou et al, U.S. Patent 6,995,101).** This rejection is traversed for at least the following reasons.

First, as described above, Zou et al cannot be considered prior art under U.S. law, based on Applicants' claim to common ownership and earlier priority.

Second, as the Examiner admits, the Sato reference fails to teach the process of the present invention. With Zou et al withdrawn, the rejection must fail.

Finally, since Applicants have added to all independent claims the phrase "the optical glass does not comprise PbO", and the prior art to Sato does not meet that limitation as the optical glass taught by the Sato reference contains PbO, the rejection is overcome.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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